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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--------------------------|------------------------|
| 10/550,467 | 07/17/2006 | Jurgen Boss | 10176P00170US | 1961 |
| 32116 7590 02/20/2008 WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661 | | | EXAMINER WANG, JACK K | |
| | | | ART UNIT 4154 | PAPER NUMBER |
| | | | MAIL DATE 02/20/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/550,467 | Applicant(s) BOSS, JURGEN | |
| | Examiner JACK K. WANG | Art Unit 4154 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/20/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim 1 cancelled

Claim 2-6 pending

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: physical link 17 (Page 5 line 11). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 recites the limitation "vital function radio monitor" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schubert et al. (US Patent # 6,894,610 B2).

Consider claim 1, Schubert et al. clearly shown and disclose a warning system for people working in hazardous conditions, the warning system comprising: a control (monitoring) unit (1, Fig. 1) with a motion detector (5, Fig. 1), a display (2, Fig. 1), and an alarm transmitter (communication module) (16, Fig. 1), the control unit (9 or 10, Fig. 1) being equipped with a receiver (communication module) (16, Fig. 1) and designed as a standalone case warning unit and, based on a use- or cost- oriented approach, being optionally connectable via a physical link (Bus) (8, Fig. 1) to a data transmitter (telemetric module) (17, Fig. 1), and/or a walkie-talkie and/or via a radio connection to a radio pressure gauge (sensor) (15, Fig. 1) for a compressed-air breathing apparatus and/or a radio measuring device for detecting gas (12, Fig. 1) and temperature conditions (column 1 lines 36-59) except a memory for recording incidents.

Although Schubert et al. does not specifically disclose the claimed memory for recording incidents. He does disclose a microcomputer (7, Fig. 1) which contained a memory within the device does capable for recording incidents, it would have been obvious to one of ordinary skill in the art at time of the invention to use well know memory device for recording the incidents, which the selection of incidents recording device are design choice for the particular application.

Consider claim 2, Schubert et al. clearly shown and disclose the warning system, characterized in that wherein the radio pressure gauge is a pressure sensor (15, Fig. 1) with a

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short-distance transmitter (communication module) (16, Fig. 1) connected to a compressed-air cylinder (Column 3 lines 8-26).

Consider claim 3, Schubert et al. clearly shown and discloses the warning system, characterized in that wherein the vital function radio monitor includes at least a vital sensor (Column 1 line 50) combined with a short-distance transmitter (communication module) (11, Fig.1) for collecting the user's vital data.

Consider claim 4, Schubert et al. clearly shown and discloses the warning system, characterized in that wherein the radio measuring device includes a gas or temperature sensor (15, Fig. 1) coupled with a short-distance transmitter (communication module) (11, Fig. 1) (Column 3 lines 8-26).

Consider claim 5, Schubert et al. clearly shown and discloses the warning system, characterized in that wherein a camera (14, Fig. 1) and/or thermal image camera can be coupled with the control unit (monitoring unit) (1, Fig. 1) (Column 1 lines 28-52).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Henderson (US Patent # 4,665,385) "Hazardous condition monitoring system".
- b. Jacobsen et al. (US Patent # 6,198,394 B1) "System for remote monitoring of personnel".
- c. Cochran (US Patent # 5,899,204) "Dive computer with wrist activation".
- d. Feld et al. (US Patent # 6,472,988 B1) "System for monitoring wearers of protective respiratory equipment".

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK K. WANG whose telephone number is (571)272-1938.

The examiner can normally be reached on M-F 7:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Ortiz can be reached on 571-272-1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JKW/

/Angela Ortiz/

Supervisory Patent Examiner, Art Unit 4154